

TYPE III DEVELOPMENT & ENVIRONMENTAL REVIEW, STAFF REPORT & RECOMMENDATION

Form DS1402



Project Name: SORENSON PARK EAST

Case Number: PLD2003-00088; SEP2003-00165; EVR2003-00064

Location: 10910 NW 21st Avenue. North side of NW 109th Street, west side of NW 21st Avenue.

Request: To subdivide an approximately 1.4-acre parcel into 9 single-family residential lots in the R1-6 zoning district utilizing Tier 2 Infill standards. One lot is to contain an existing dwelling.

Applicant: LAWINCO, LP
Attn: Tim Wines
113 South Parkway Avenue
Battle Ground, WA 98604
(360) 687-5000; (360) 687-0522 FAX
E-mail: planning@lawsonls.com

Contact Person: Same as applicant

Property Owner: Doug Ruge
2405 NW 111th Street
Vancouver, WA 98685
(360) 574-3894

RECOMMENDATION **Denial**

Team Leader's Initials: **Date Issued:** April 12, 2003

Public Hearing Date: April 27, 2004

<u>Title</u>	<u>Name</u>	<u>Phone</u> (360) 397-2375 Ext.	<u>E-mail Address</u>
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Engineering Supervisor:	Steve Schulte P. E.	4017	Steve.schulte@clark.wa.gov
(Trans. Concurrency):			

Comp Plan Designation: Urban Low Density Residential

Parcel Number(s): Adjusted tax Lots 322 (189193-006) and 200 (189078) in the NW ¼ of Section 33, Township 3 North, Range 1 East of the Willamette Meridian.

Applicable Laws:

Clark County Code Chapters: 40.220.010 (Single-family Residential Districts); 40.260.110 (Residential Infill); 40.350.010 (Pedestrian/Bicycle Circulation); 40.350.020 (Transportation Concurrency); 40.350.030 (Street and Road Standards); 40.370.010 (Sewer); 40.370.020 (Water Supply); 40.380 (Stormwater and Erosion Control); 40.500.010 (Procedures); 40.510.030 (Type III Process); 40.540.040 (Subdivisions); 40.570 (SEPA); 40.610 & 40.620 (Impact Fees); and RCW 58.17 (State Platting Laws).

Neighborhood Association/Contact:

Felida Neighborhood Assn.
Michele Cotner, President
711 NW 134th Circle
Vancouver, WA 98685
(360) 573-0822

Time Limits:

The application was determined to be fully complete on February 17, 2004 (see Exhibit #10). Therefore, the County Code requirement for issuing a decision within 92 days lapses on May 19, 2004. The State requirement for issuing a decision within 120 calendar days, lapses on June 16, 2004.

Vesting:

An application is reviewed against the subdivision, zoning, transportation, stormwater and other land development codes in effect at the time a fully complete application for preliminary approval is submitted. If a pre-application conference is required, the application shall earlier contingently vest on the date the fully complete pre-application is filed. Contingent vesting requires that a fully complete application for substantially the same proposal is filed within 180 calendar days of the date the county issues its pre-application conference report.

A pre-application conference on this matter was held on August 14, 2003. The pre-application was determined to be contingently vested as of July 23, 2003; however, the fully complete application was not submitted within 180 days.

The fully complete application was submitted on February 2, 2004 and determined to be fully complete on February 16, 2004. Given these facts the application is vested on February 2, 2004.

Public Notice:

Notice of application and public hearing was mailed to the applicant, Andresen/St Johns Neighborhood Association, and owners of property located within 300 feet of the site on February 25, 2004. One sign was posted on the subject property and two within the vicinity on April 7, 2004. Notice of the SEPA Determination and public hearing was published in the "Columbian" Newspaper on April 7, 2004.

Public Comments:

In response to the public notice, the county received one letter on March 19, 2004 from Richard D Curtis, 11002 NW 21st Avenue. Mr Curtis, whose property (Lot 2 of Short Plat 1-291) abuts the site on the north, asserts rights to an access easement on the subject property which he uses as a driveway to access his lot from NW 21st Avenue. He expresses concern that the proposed new road may not accommodate the removal of the mobile home on his property.

Staff Response

Refer to Finding #3 below.

Project Overview

The site consists of 1.4 acres which has been configured through a recorded boundary line adjustment. It contains an existing dwelling, which is proposed to be retained on Lot 1 of the subdivision, and three accessory buildings that are proposed to be removed. Existing vegetation on the rolling site consists mostly of open grass, with a mix of ornamental trees and shrubs around the yard of the existing house, plus a row of deciduous trees located along the existing driveway easement on the north.

NE 21st Avenue abuts the site on the east and provides access. NW 109th Street abuts the site on the south. Half-width frontage improvements for both streets are proposed to be constructed with the subdivision. A 20 foot wide private road easement exists along the inside of the north boundary of the site. The preliminary plan proposes to extend a new private road (NW 110th Street) from NW 21st Avenue at the southeast corner of the site up to the private access easement and through the site at the northwest corner, which will end in a cul-de-sac bulb off site to the west.

The site is located within the Vancouver School District, Fire District #6, and Park District #9.

Surrounding uses and zoning are as indicated along with those of the site in the following table:

Compass	Comp Plan	Zoning	Current Land Use
Site	Urban Low Density	R1-7.5	Residential
North	Urban Low Density	R1-7.5	Residential
East	Urban Low Density	R1-7.5	Residential
South	Urban Low Density	R1-7.5	Residential
West	Urban Low Density	R1-7.5	Vacant

Staff Analysis

Staff first analyzed the proposal in light of the 16 topics from the Environmental Checklist (see list below). The purpose of this analysis was to identify any potential adverse environmental impacts that may occur without the benefit of protection found within existing ordinances.

- | | |
|---------------------------------|--|
| 1. Earth | 9. Housing |
| 2. Air | 10. Aesthetics |
| 3. Water | 11. Light and Glare |
| 4. Plants | 12. Recreation |
| 5. Animals | 13. Historic and Cultural Preservation |
| 6. Energy and Natural Resources | 14. Transportation |
| 7. Environmental Health | 15. Public Services |
| 8. Land and Shoreline Use | 16. Utilities |

Then staff reviewed the proposal for compliance with applicable code criteria and standards in order to determine whether all potential impacts will be mitigated by the requirements of the code.

Staff's analysis also reflects review of agency and public comments received during the comment period, and knowledge gained through a site visit.

Major Issues:

Only the major issues, errors in the development proposal, and/or justification for any conditions of approval are discussed below. Staff finds that all other aspects of this proposed development comply with the applicable code requirements, and, therefore, are not discussed below.

LAND USE:

Finding 1 Infill Standards

This subdivision is proposed under Tier 2 Infill standards, in accordance with CCC 40.260.110(I). The site meets the infill eligibility criteria in CCC 40.260.110(B). Although the parcel as shown on the GIS maps would not qualify because less than 50% of its non-street perimeter has abutting urban development, the parcel has been re-configured by a boundary line adjustment recorded on September 19, 2000 (AF# 3252481). The resulting parcel has more than 50% of its non-street perimeter along the north property boundary, which abuts urban development, as defined in CCC 40.260.110(B)(3). Since the BLA was recorded prior to October 1, 2002, the eligibility criteria are satisfied.

A discrepancy exists between the perimeter boundary shown on the preliminary plat and that shown on the recorded boundary line adjustment previously referenced. The perimeter of the parent parcel must match that of the legal lot of record.

Furthermore the lot area indicated on most of the lots includes the area of the proposed private street. Lot area is defined in CCC 40.100.070 as "the computed area contained within the lot lines; said area to be exclusive of street or alley rights-of-way." Also, front lot line is defined as "the property line abutting a street, or approved private road or easements." Thus, the indicated lot areas are incorrect and staff is unable to accurately calculate density and lot area in order to determine whether the proposal meets the infill criteria. Therefore, staff cannot recommend approval, and the application should be denied.

Finding 2 Public Meeting

Prior to submitting a preliminary land division application, applicants for Tier 2 infill development proposals are required to conduct a public meeting to allow owners of adjacent properties an opportunity to participate in the development process.

The applicant has submitted documentation of the required neighborhood meeting in fulfillment of CCC 40.260.110(I)(1).

Finding 3 Existing Easement

An access easement exists running along the north approximately 20 feet of the site, which is indicated on the applicant's existing conditions plan, but is not shown on the preliminary plat.

Richard D Curtis, 11002 NW 21st Avenue, whose property (Lot 2 of Short Plat 1-291) abuts the site on the north, asserts rights to the access easement on the subject property which he uses as a driveway to access his lot from NW 21st Avenue. He has submitted a letter with documentation that references a number of recorded documents, one of which (AF# 7901260078) appears to corroborate his right to the existing easement for driveway purposes.

In order for the proposed plat to be feasible, the easement will need to be modified or relinquished. Since Mr Curtis' letter takes issue with the proposal to close or

change his driveway, staff cannot support the applicant's proposal and must recommend denial.

Finding 4 Existing Structures

The existing buildings being demolished may be subject to asbestos control inspection and regulations. The applicant should contact the Southwest Clean Air Agency. (see Condition A-1)

Finding 5 Landscaping

Landscape plantings are required within the planting strip located within the NW 21st Avenue right-of-way as part of required frontage improvements in accordance with CCC 40.320.020 because NW 21st Avenue is a collector. Therefore, a landscape plan shall be submitted for review and approval. (see Condition A-2)

TRANSPORTATION CONCURRENCY:

Finding 6 Traffic Study

The applicant submitted a traffic study for this proposal in accordance with CCC 40.350.020(B) and is required to meet the standards established in CCC 41.350.020(G) for corridors and intersections of regional significance. The County's TraffixTM model includes the intersections of regional significance in the area and the County's model was used to evaluate concurrency compliance.

County concurrency staff has reviewed the combined traffic study for proposed Sorenson Park East and West consisting of a total 25 lots. The site has two existing residences that will remain. The applicant's traffic study has estimated the weekday AM peak hour trip generation at 17 new trips, while the PM peak hour trip generation is estimated at 23 trips.

Finding 7 Site Access

Level of Service (LOS) standards are not applicable to accesses that are not regionally significant; however, the LOS analysis provides information on the potential congestion and safety problems that may occur at the site access to the arterial and collector network (NW 21st Avenue). The access appears to maintain acceptable LOS.

Finding 8 Operating LOS on Corridors

The proposed development was subject to concurrency modeling. The modeling results indicate that the operating levels comply with travel speed and delay standards. The applicant should reimburse the County for costs incurred in running the concurrency model. (see Condition A-3)

Concurrency staff concludes that the proposal complies with the Concurrency Ordinance (CCC 40.350.020).

Finding 9 Safety

Where applicable, a traffic study shall address the following safety issues:

- traffic signal warrant analysis,
- turn lane warrant analysis,

- accident analysis, and
- any other issues associated with highway safety.

Mitigation for off-site safety deficiencies may only be a condition of approval on development in accordance with CCC 40.350.030(B)(6) The code states that “nothing in this section shall be construed to preclude denial of a proposed development where off-site road conditions are inadequate to provide a minimum level of service as specified in Section 40.350.020 or a *significant* traffic or safety hazard *would be caused or materially aggravated* by the proposed development; provided, that the applicant may voluntarily agree to mitigate such direct impacts in accordance with the provisions of RCW 82.02.020.”

Finding 10 Traffic Signal Warrants

Signal warrants are not met at any of the subject intersections analyzed in the applicant's traffic study.

Finding 11 Turn Lane Warrants

Turn lane warrants are evaluated at unsignalized intersections to determine if a separate left or right turn lane is needed on the uncontrolled roadway. The applicant's traffic study analyzed the roadways in the local vicinity of the site to determine if turn lane warrants are met. Turn lane warrants were not met at any of the unsignalized intersections analyzed in the applicant's traffic study; therefore, mitigation is not required.

Finding 12 Historical Accident Situation

The applicant's traffic study analyzed the accident history at the regionally significant intersections; however, all of the historical accident rates at these intersections are below 1.0 accident per million entering vehicles. Therefore, mitigation by the applicant is not required.

Finding 13 Sight Distance Triangle

The applicant's traffic study reports an existing sight distance deficiency at the intersection of NW 109th Street and NW 21st Avenue. The development proposes to realign the intersection to the north of its current location. Currently only four homes use this access point. The development also proposes to close the driveway along the north property line through proposed lot 8. This will result in additional traffic using the realigned NW 109th Street access point, a total of 30 single family homes. The applicant should be required to ensure that the realigned intersection will comply with CCC 40.350.030(B)(8) for sight distance.

Finding 14 Stopping Sight Distance

The traffic study reports an existing stopping sight distance deficiency along NW 21st Avenue, due to a vertical curve in the roadway. Staff has checked the County Road Conditions Inventory, Section III.3, for ongoing roadway segments improvements. There are currently 58 projects on this small ongoing projects list. The inventory does include an item for fixing the sight distance deficiency on NW 21st Avenue, for a segment in the area of NW 111th Street. This project is ranked number 35 on the list. Generally, the County has the funds to construct one to three small projects per year. Assuming that the list is not reordered, or that additional projects are not

added to the list, the segment to improve the sight distance on this section of NW 21st Av is not likely to be constructed in the near future. The list will be reordered as new collision data, traffic counts, etc., are available.

Mr. Bruce Schafer suggested in a letter to the County Engineer (a copy can be found in Appendix J of the traffic study) that the vertical curves limiting stopping sight distance along NW 21st Avenue require immediate attention, and that the County is responsible to fix the sight distance issue. The County has addressed the issue, by placing the potential project on a prioritization array, and the County will attempt to reconstruct the road when it ranks at the top of the list, and as funding becomes available. It would not be appropriate to move this project ahead of the other 34 higher ranking small projects just because a new development is being proposed at or near this location. A similar argument could be made for any number of the other projects on the entire list of 58 projects.

The proposed developments will change the number of single family homes using 109th Street to access NW 21st Avenue along the deficient roadway segment. Based on ITE Trip Generation, the average week day traffic will change from 38 trips to 287 trips, entering and leaving at NE 109th Street. Staff concludes that with the addition of Sorenson Park East and West a “*significant traffic or safety hazard would be caused or materially aggravated by the proposed development*”.

Finding 15 Volunteered Mitigation

Mitigation for off-site safety deficiencies may only be a condition of approval on development in accordance with CCC 40.350.030(B)(6) if the applicant “voluntarily agrees to mitigate such direct impacts in accordance with the provisions of RCW 82.02.020.”

The applicant should volunteer to mitigate for the deficient stopping sight distance on NW 21st Avenue near 109th Street. The applicant has not volunteered to undertake any mitigation measures to improve stopping sight distance safety. If additional safety mitigation is proposed, staff requires adequate time to review the measures for acceptability. Approved mitigation measures must be completed and/or implemented prior to the occupancy of the proposed development.

Recommendation

The County finds that since the applicant has not proposed any mitigation measures, Public Works concurrency staff recommends denial of the application for the reason that, with the addition of Sorenson Park East and West, a “*significant traffic or safety hazard would be caused or materially aggravated by the proposed development*”.

TRANSPORTATION:

Finding 16 NW 21st Avenue

A portion of the property abuts NW 21st Avenue, classified as a 2-lane urban collector road (C-2). The minimum half-width right-of-way dedication and frontage improvements along this road in accordance with Standard Details Manual, Drawing #12, include:

- A minimum half-width right-of-way of 30 feet

- A minimum half-width paved roadway of 19 feet
- Curb/gutter, landscaping, and a minimum detached sidewalk width of 6 feet

The applicant has requested a road modification to construct attached sidewalk in lieu of the required detached sidewalk. (see Finding 22 below)

Finding 17 NW 109th Street

NW 109th Street is a publicly maintained roadway within a 60-foot right-of-way. This roadway is classified as a “Local Residential Access” road. The minimum half-width right-of-way dedication and frontage improvements along this road in accordance with Standard Details Manual, Drawing #14, include:

- A minimum half-width right-of-way of 23 feet
- A minimum half-width roadway of 14 feet
- Curb/gutter and a minimum sidewalk width of 5 feet

The project proposes to install stormwater facilities within the right-of-way of NE 109th Street. Staff believes that vacating a portion of the right-of-way for placement of stormwater facilities, intended to benefit a private development, will be required.

The applicant is proposing to terminate the roadway in a temporary cul-de-sac with a 35-foot radius paved bulb and a 5-foot thickened sidewalk in a 40-foot right-of-way within parcel #189129-000 owned by Vancouver School District. The applicant has provided a draft quit claim deed and right-of-way dedication to Clark County with a letter of consent signed by the owner or authorized agent of the school property to allow this turnaround within the school property. The letter indicates that the proposed dedication will be presented to the School Board for approval. Staff finds that this document has no legal binding as presented since the dedication is contingent on approval by the School Board. The applicant shall provide an alternate plan for the required temporary turnaround at the terminus of NE 109th Street.

The applicant proposes to construct the cul-de-sac in accordance with Standard Details Manual, Drawing 28. However, the proposed temporary cul-de-sac shall be constructed in accordance with Standard Details Manual, Drawing 31.

The applicant has requested a road modification to use a shed-section for the roadway surface in lieu of the required crown-section. (see Finding 22 below)

Finding 18 NW 110th Street

NW 110th Street is proposed as a private road with a 24-foot wide paved roadway, curbs, and 5-foot wide sidewalk on the south side, all within a 30-foot easement. The roadway is terminated in a 35-foot radius paved cul-de-sac with a 5-foot thickened sidewalk within a 40-foot right-of-way in accordance with Standard Details Manual, Drawing 28.

The applicant is required to show evidence that using this road to access the proposed lots within the development is permitted by the terms of the easement agreement and the owners of the private street.

This road shall be improved to the private road standards in accordance with the provisions of CCC 40.350.030(B)(10).

The applicant has requested a road modification to use a shed-section for the roadway surface in lieu of the required crown-section. (see Finding 22 below)

Finding 19 Sight Distance

The stopping sight distance along NW 21st Avenue is obstructed due to the existing vertical curve along NW 21st Avenue just to the north of the intersection of NW 109th Street and NW 21st Avenue. Furthermore, the existing topography at the northwest corner of this intersection limits the corner sight distance for entering NE 21st Avenue from NE 109th Street. Undertaking measures to mitigate the impacts of additional traffic generated by the proposed development are required. Exacerbating safety conditions results in denial of the project.

In compliance with CCC Table 40.350-030-11, the required sight distance at controlled intersections for the posted speed of 35 mph along uncontrolled roadway in either direction shall be 350 feet. The applicant's traffic engineer has submitted a sight distance analysis for the intersection of the NW 109th Street with NW 21st Avenue. The traffic engineer certifies that the required sight distance triangle at this intersection can be met by relocating the existing intersection to the north, eliminating the existing retaining wall to the north, and removing vegetation to the south. The applicant proposes to comply with the recommendations of the traffic engineer.

The available stopping sight distance along NW 21st Avenue does not comply with the requirements of CCC 40.350. In accordance with CCC Table 40.350.030-10, a stopping sight distance of 250 feet for the posted speed of 35 mph is required. The applicant has not proposed any mitigation plans to address the substandard stopping sight distance along this section of the roadway. The applicant's traffic engineer has indicated in a letter (see Appendix J, Exhibit 7) that there are existing deficiencies in stopping sight distance on NW 21st Avenue between NW 109th Street and NW 110th Street. The letter indicates that without the Sorenson Park East and Sorenson Park West developments the deficiencies in sight distance will remain and it would be the county's responsibility to consider actions that is necessary for the safety of public. Although this is an existing condition, increased trips generated by this development will exacerbate traffic safety of traveling public.

The site's topography may pose some problems in limiting sight distances along the proposed internal roadway. Driveways and intersections shall have unobstructed sight distance triangles and the roadways shall have minimum stopping sight distances in accordance with the provisions of CCC 40.350.030(B)(8).

In compliance with CCC Table 40.350-030-11, the required sight distance at controlled intersections for the posted speed of 25 mph along uncontrolled roadway in either direction shall be 250 feet. Sight distance triangle at intersection of the proposed NE 110th Street / Avenue and NE 109th Street does not meet the requirements of CCC Table 40.350.030-11. The applicant shall revise the plan or

propose mitigation to address safety concerns due to deficient sight distance at this intersection.

Finding 20 Access Management

The project proposes to access the proposed Lot 9 via an existing driveway onto NW 21st Avenue. This driveway provides access to an existing residence within this lot. In compliance with CCC 40.350.030(B)(4)(c)(2)(a), no residential driveways in the urban area will be permitted to access collectors unless no other access to the site exists or can be made available. Staff finds that the existing driveway will exacerbate safety conditions due to turning conflicts resulting from the combination of sight distance deficiencies and additional traffic through the intersection of NW 109th Street and NW 21st Avenue. Furthermore, the spacing between the driveway to proposed Lot 9 and the existing driveways along NE 21st Avenue do not meet the requirements in accordance with CCC Table 40.350.030-7. Access to the existing residence can be provided onto the proposed NW 110th Street / Avenue that has a lower classification than NW 21st Avenue. Therefore, this driveway should be denied.

Finding 21 Intersection Design

The proposed intersections shall be designed in accordance with CCC 40.350.030(B)(7). The full access intersection spacing along collector roads in compliance with CCC Table 40.350.030-2 shall be 275 feet. The separation between the intersections of NW 109th Street / NW 21st Avenue and the existing intersections along NW 21st Avenue do not comply with CCC 40.350. Therefore, the proposal should be denied.

Finding 22 Road Modification

1) Approval Criteria - If a development cannot comply with the Transportation Standards, modifications may be granted in accordance with the procedures and conditions set out in CCC 40.550.010(A)(1). The request shall meet one (or more) of the following four specific criteria:

- a. *Topography, right-of-way, existing construction or physical conditions, or other geographic conditions impose an unusual hardship on the applicant, and an equivalent alternative, which can accomplish the same design purpose, is available.*
- b. *A minor change to a specification or standard is required to address a specific design or construction problem, which, if not enacted, will result in an unusual hardship.*
- c. *An alternative design is proposed which will provide a plan equal to or superior to these standards.*
- d. *Application of the standards of the Transportation Standards to the development would be grossly disproportional to the impacts created.*

2) Modification Requests:

- 2-a The County Arterial Atlas requires detached and meandering sidewalk along the collector roadways. The applicant requests a road modification to allow a curb-tight sidewalk along NW 21st Avenue. The applicant requests a modification for attached sidewalk to minimize the grading impact to the existing house.

- 2-b The applicant requests a modification to allow a cross-slope (shed-section) for NW 110th Street, the onsite private road. CCC 40.350 does not provide provisions for roadways with shed-section. The applicant indicates that the modification is a minor change that provides an equal design to road standards because the proposed modification is to aid the stormwater collection.
 - 2-c The applicant also requests a modification to allow a shed-section for the required improvements along the northerly portion of the exiting NW 109th Street. The applicant indicates that this will provide a dual benefit in that it does not result in a crown in the road being located in the center of the north lane and it allows for better driveway approach to the north.
- 3) Staff's Evaluation –
- 3-a Staff concurs with the applicant that a detached sidewalk will require additional grading and a retaining wall along the property frontage on NW 21st Street. Staff finds that the request complies with the approval criterion described in CCC 40.550.010(A)(1)(a).
 - 3-b Staff concurs with the applicant that the requested modification allows for collection of stormwater more efficiently. Staff finds that the request complies with the approval criterion described in CCC 40.550.010(A)(1)(b).
 - 3-c Staff finds that the runoff from the created impervious surface due to the required frontage improvement along north side of NW 109th Street will have some impacts on the existing residential lots to the south. The proposed shed-section will not allow for treatment of runoff from the created impervious surfaces. The applicant has not provided any evidence to show that the modification will not have any adverse impacts. Staff finds that the requested modification does not comply with any of the approval criteria described in CCC 40.550.010(A)(1)(b).
- 4) Staff's Recommendations: - Staff recommends Approval of the requested modifications 2-a and 2-b and Denial of requested modification 2-c.

Based upon the above findings, staff finds that for the requested modifications 2-a and 2-b at least one of the four road modification approval criteria is met. However, request 2-c does not meet the criteria.

Finding 23 Transportation Plan

Based upon the development site characteristics, the proposed transportation plan, the requirements of the County's transportation ordinance, and the findings above, staff concludes that the proposed preliminary transportation plan does not meet the requirements of the county transportation ordinance. Therefore, the application should be denied.

STORMWATER:

Finding 24 Approval Criteria

The project is proposed as an infill project. The Stormwater and Erosion Control Ordinance (CCC 40.380) applies to development activities that result in 5,000 square feet or more of new impervious area created by an infill development; the platting of single-family residential subdivisions in an urban area; and all land disturbing activities, except those exempted in Section 40.380.030.

The project will create more than 5,000 square feet of new impervious surface, involves platting of single-family residential subdivision, and it is a land disturbing activity not exempted in a Section 40.380.030. Therefore, this development shall comply with the Stormwater and Erosion Control Ordinance.

The erosion control ordinance is intended to minimize the potential for erosion and a plan is required for all projects meeting the applicability criteria listed in CCC 40.380.020. This project is subject to the erosion control ordinance.

Finding 25 Stormwater Proposal

The project proposes to achieve the required stormwater quality control within two biofiltration swales located in the roadway easement to the south of the proposed site. The preliminary stormwater design report indicates that the proposed biofiltration swales will be designed to treat 70% of the 2-year, 24-hour storms, as required. The preliminary stormwater plan proposes to achieve stormwater quantity control by infiltration of runoff due to 100-year, 24-hour storm within infiltration facilities consisting of drywells and associated perforated pipe systems in central and southern parts of the site. The narrative submitted with the application indicates that the biofiltration facilities are proposed to be publicly owned and maintained and the proposed infiltration facilities will be privately owned and maintained by the homeowners association.

Finding 26 Site Conditions and Stormwater Issues

The applicant has submitted a combined preliminary stormwater plan for this development and Sorenson Park West (PLD2004-00004). The preliminary stormwater report indicates that these proposed developments will create approximately 2 acres of impervious surface. Stormwater report indicates that 0.21 acre of NW 109th Street and all of NW 22nd Avenue (part of Sorenson Park West) will be infiltrated without water quality treatment. To mitigate for this, the project proposes to remove 0.12 acre of existing impervious surface and 0.21 acre of existing impervious surface will be collected and routed through the water quality facility. The stormwater ordinance does not provide credits for replacing impervious surface because the ground beneath these surfaces has been disturbed and restoration to original pervious conditions does not seem to be practical. Furthermore, it appears that the applicant proposes to trade off between existing non-pollution generating impervious surface for the created pollution-generating surface. The project is required to treat 70% of the runoff from all pollution-generating surfaces created by the project.

USDA, SCS mapping shows the site to be underlain by Hillsboro loam and sandy loam soil (HoB, HoC) classified by AASHTO as A-4 soils for the depths of 0 to 86 inches below the ground surface. Hillsboro soils are designated as hydrologic group "B". The Stormwater and Erosion Control Ordinance does not list A-4 soils as suitable for infiltration.

The applicant retained GeoStandards Corporation to conduct infiltration investigation at the subject site in July, 2003. The soil infiltration investigation report indicates that infiltration tests were conducted in 2 locations – test locations TP-1 and TP-7 (see Figure 2, Stormwater Report, Exhibit 6). No groundwater was observed during the infiltration investigation. The infiltration test in these locations showed infiltration rates of 0.36 inch per hour at the dept of 5 feet below existing grade in TP-1 and 12 inches per hour at the depth of 14 feet below ground surface in TP-7. In accordance with CCC 40.380.040(C), the measured infiltration rate shall be equal to or greater than eight (8) inches per hour.

The soil samples from the test locations were not classified based on the AASHTO specifications, as required. In accordance with the provisions of CCC 40.380.040(C)(3)(a), soils classified as A-1-a, A-1-b, A-2-4, A-2-5, and A-3 as defined in AASHTO Specification M145 are suitable for infiltration. However, grain size analysis showed 66.6% and 2.99% passing #200 sieve for samples from TP-1 and TP-7, respectively. The report indicates that the variations in soil conditions are due to elevation difference of about 10 feet between two exploration locations. It is further indicated that variations should be expected and it is anticipated that the groundwater table will rise during months of peak runoff.

The project uses half of the test rate of 12 inches per hour obtained in TP-1 at the depth of 14 feet below the ground surface. The perforated pipes are proposed to be placed at the depth of 3 and 6 feet below the ground surface. The project proposes infiltration facilities in the central and southern portion of the site, neither one is in the vicinity of TP-1 test location. Furthermore, the tests were performed during July, a dryer month of the year. Staff finds that based on the laboratory test results, the test locations, the site's slope, disposal of stormwater runoff by infiltration is not feasible unless additional field and laboratory tests are performed during the wet weather season and the lowest rate which would provide the highest safety factor is used.

The geotechnical report (Exhibit 6), recommends that surface runoff from roofs should be tight-lined into storm sewer or other approval disposal areas. The stormwater report indicates that substantial grading will be performed to provide for construction of roadways and the home sites. The project proposes to direct runoff from the northeastern corners of the project into individual downspout infiltration systems. However, it is questionable whether it is feasible for the individual homeowners to construct these facilities at the required depth, over the terraced site, and in fill materials. The applicant shall address the impact of mass grading on permeability of subsurface soil layers and the potential impacts of water seepage on the future residences downstream from the proposed infiltration facilities.

In accordance with the provisions of Section CCC 40.380(C)(1)(g), no development within an urban area shall be allowed to materially increase or concentrate

stormwater runoff onto an adjacent property or block existing drainage from adjacent lots. The proposed development site and the drainage path for the northerly contributory areas are sloped from north to south. This development can potentially cause adverse impacts on the adjacent properties to the north and south of the site. The stormwater plan does not propose measures necessary to prevent blocking the drainage from northern contributory area or adverse impacts to the properties on the south in case of failure of the infiltration facilities.

Conclusion (Stormwater)

Based upon the development site characteristics, the proposed stormwater plan, the requirements of the County's stormwater ordinance, and findings above, staff concludes that the proposed preliminary stormwater plan, is not feasible. Therefore, the requirements of the preliminary plan review criteria are not satisfied, and the application should be denied.

FIRE PROTECTION:

Finding 27 Fire Marshal Review

This application was reviewed by Tom Scott in the Fire Marshal's Office. Tom can be reached at (360) 397-2375 x4095 or 3323. Information can be faxed to Tom at (360) 759-6063. Where there are difficulties in meeting these conditions or if additional information is required, contact Tom in the Fire Marshal's office immediately.

Building construction occurring subsequent to this application shall be in accordance with the provisions of the county's building and fire codes. Additional specific requirements may be made at the time of building construction as a result of the permit review and approval process.

Finding 28 Fire Hydrants

Fire hydrants are required to be provided such that the maximum spacing between hydrants does not exceed 700 feet and such that no lot or parcel is in excess of 500 feet from a fire hydrant as measured along approved fire apparatus access roads. Based on these criteria, either the indicated number or the spacing of fire hydrants is inadequate.

Final hydrant locations are to be approved by the Fire District Chief. The applicant should contact Fire District 6 at (360) 576-1195 to arrange for location approval, and then show hydrant locations on the final engineering plans. (see Condition A-4)

WATER & SEWER SERVICE:

Finding 29 Sewer Connection

The site is located within the Hazel Dell Sewer District. The applicant has provided a utility review from the sewer district indicating that the point of connection for public sewer lies some distance west of the site at the intersection of NW 109th Street and NW 26th Avenue. An easement through the intervening property owned by the Vancouver School District will be necessary. The applicant has submitted a letter of intent from the School District (Exhibit #13) to provide the necessary easement.

Therefore staff finds connection to public sewer is feasible. Prior to final plat approval, the applicant shall provide documentation that the Hazel Dell Sewer District has approved the sewer connections to the new lots. (see Condition A-5)

Finding 30 Water Connection

The applicant submitted a utility review from Clark Public Utilities verifying that public water service is available to the site. Prior to final plat approval, the applicant shall provide documentation that CPU has approved water connections to the new lots and the existing house. (see Condition A-6)

Finding 31 On-site Sewage System

The Clark County Health Department Development Review Evaluation, submitted by the applicant (Exhibit #6) indicates the existence of at least one on-site sewage system. The septic tank(s) for this system must be properly abandoned, with written verification submitted to the Health Department prior to final plat approval. The location of the abandoned tank must be shown on the final plat. (see Condition A-7)

Finding 32 Wells

The Health Department review also indicates that two wells exist on the site. All wells must be properly decommissioned and their locations shown on the final plat. (see Condition A-8)

IMPACT FEES:

Finding 33 Impact Fees:

The 8 additional residential lots created by this plat will produce impacts on schools, parks, and traffic, and are subject to School (SIF), Park (PIF), and Traffic Impact Fees (TIF) in accordance with CCC 40.610, 40.620, and 40.630.

The site is within:

- Vancouver School District, with a SIF of \$1,725.00 per dwelling
- Park District #9, with a PIF of \$2,016.00 per dwelling (\$1,576 for park acquisition / \$440 for park development).
- Hazel Dell TIF sub-area with a TIF of \$1,277.12 per dwelling.

Impact fees shall be paid prior to issuance of a building permit for each new lot. If a building permit application is made more than three years following the date of preliminary plat approval, the impact fees will be recalculated according to the then-current ordinance rate. (see Conditions B-2 & C-2)

SEPA DETERMINATION

As lead agency under the State Environmental Policy Act (SEPA) Rules [Chapter 197-11, Washington Administrative Code (WAC)], Clark County must determine if there are

possible significant adverse environmental impacts associated with this proposal. The options include the following:

- **DS = Determination of Significance** (The impacts cannot be mitigated through conditions of approval and, therefore, requiring the preparation of an Environmental Impact Statement (EIS);
- **MDNS = Mitigated Determination of Non-Significance** (The impacts can be addressed through conditions of approval), or;
- **DNS = Determination of Non-Significance** (The impacts can be addressed by applying the County Code).

Determination:

Determination of Non-Significance (DNS). Clark County, as lead agency for review of this proposal, has determined that this proposal does not have a probable significant adverse impact on the environment. An Environmental Impact Statement (EIS) is not required under RCW 43.21C.030 (2) (e). This decision was made after review of a completed environmental checklist and other information on file with the County.

Although staff is recommending denial of this proposal because it fails to meet certain county codes and standards, the determination of non-significance is based on finding that, if the project will meet county requirements, it will not result in any significant environmental impact.

Date of Publication & Comment Period:

Publication date of this DNS is April 12, 2004, and is issued under WAC 197-11-340. The lead agency will not act on this proposal until the close of the 14-day comment period, which ends on April 26, 2004.

<p style="text-align: center;"><u>Public Comment Deadline:</u> April 26, 2001</p>

SEPA Appeal Process:

An **appeal** of this SEPA determination and any required mitigation must be filed with the Department of Community Development within fourteen (14) calendar days from the date of this notice. The SEPA appeal fee is **\$186**.

A **procedural appeal** is an appeal of the determination (i.e., determination of significance, determination of non-significance, or mitigated determination of non-significance). A **substantive appeal** is an appeal of the conditions required to mitigate for probable significant issues not adequately addressed by existing County Code or other law.

Issues of compliance with existing approval standards and criteria can still be addressed in the public hearing without an appeal of this SEPA determination.

Both the **procedural and substantive appeals** must be filed within fourteen (14) calendar days of this determination. Such appeals will be considered in the scheduled public hearing and decided by the Hearing Examiner in a subsequent written decision.

Appeals must be in writing and contain the following information:

1. The case number designated by the County and the name of the applicant;
2. The name and signature of each person or group (petitioners) and a statement showing that each petitioner is entitled to file an appeal as described under Section 40.510.030(H) of the Clark County Code. If multiple parties file a single petition for review, the petition shall designate one party as the contact representative with the Development Services Manager. All contact with the Development Services Manager regarding the petition, including notice, shall be with this contact person;
3. A brief statement describing why the SEPA determination is in error.

The decision of the Hearing Examiner on any SEPA procedural appeal can not be appealed to the Board of County Commissioners, but must pursue judicial review.

Staff Contact Person: Alan Boguslawski, (360) 397-2375, ext 4921

Responsible Official: Michael V. Butts

**Public Service Center
Department of Community Development
1300 Franklin Street
P.O. Box 9810
Vancouver, WA 98666-9810
Phone: (360) 397-2375; Fax: (360) 397-2011
Web Page at: <http://www.co.clark.wa.us>**

RECOMMENDATION

Based upon the proposed plan (identified as Exhibit #5), and the findings and conclusions stated above, staff recommends that the Hearings Examiner **DENY** this request.

The following conditions of approval are added to the staff report only for contingency purposes in case the Hearings Examiner should determine to approve the application.

Conditions of Approval

- A-1** Prior to demolition of the existing buildings on the site, the applicant shall obtain approval of a demolition permit from the Clark County Building Department. The applicant shall comply with all applicable asbestos inspection and control regulations, in accordance with the procedures of the Southwest Clean Air Agency. (see Finding 4)
- A-2** The applicant shall submit a landscape plan for review and approval, in accordance with CCC 40.320.020, that provides required landscaping materials within the NW 21st Street right-of-way along the site frontage. (see Finding 5)
- A-3** The applicant shall reimburse the County for the cost of concurrency modeling incurred in determining the impact of the proposed development, in an amount not to exceed \$1,500. The reimbursement shall be made within 60 days of issuance of the Staff Report with evidence of payment presented to staff at Clark County Public Works. (see Finding 8)
- A-4** The final engineering plans shall show fire hydrant locations, as approved by Fire District 6. (see Finding 28)
- A-5** The applicant shall provide documentation that Hazel Dell Sewer District has approved the sewer connections to the new lots and the existing house. (see Finding 29)
- A-6** The applicant shall provide documentation that Clark Public Utilities has approved public water connections to the new lots and the existing house. (see Finding 30)
- A-7** The septic tank(s) on the site shall be properly abandoned in accordance with the procedures of the Clark County Health Department, with written verification submitted to the Health Department prior to final plat approval. The location of the abandoned tank shall be shown on the final plat. (see Finding 31)
- A-8** The wells on the site shall be properly decommissioned in accordance with WAC 173-160-381, by a licensed well driller. Written verification of decommissioning must be submitted to the Health Department prior to final plat approval. The licensed well driller shall contact the Health Department at least 48 hours prior to beginning decommissioning. The locations of the decommissioned wells shall be shown on the final plat. (see Finding 32)

B. Conditions that must be met prior to issuance of Building Permits

B-1 Prior to issuance of any building or grading permits for the development site, the applicant shall obtain written approval from Clark County Department of Public Works of the applicant's Traffic Control Plan (TCP). The TCP shall govern all work within or impacting the public transportation system. (see Finding 12)

B-2 Impact fees shall be paid prior to issuance of a building permit for each lot as follows:

- Traffic Impact Fees: \$1,277.12 (Hazel Dell TIF sub-area)
- Park Impact Fees: \$2,016.00 (Park District #9)
(\$1,576 – Acquisition/\$440 – Development)
- School Impact Fees: \$1,725.00 (Vancouver School Dist)

If a building permit application is made more than three years following the date of preliminary plat approval, the impact fees shall be recalculated according to the then-current ordinance rate. (see Finding 33)

C. Notes Required on Final Plat

The following notes shall be placed on the final plat:

Zoning:

C-1 "Dwellings and other structures on the lots in this plat shall be constructed in accordance with the setbacks, height regulations, lot coverage, parking standards, and other applicable standards for the R1-6 zone in CCC 40.220.010(C), as modified by the Infill Ordinance (CCC 40.260.110). The applicable setbacks are as follows:

- Front : Minimum 10 feet, except minimum 18 feet for garage door.
- Side: Minimum 5 feet
- Rear: Minimum 10 feet"

Impact Fees:

C-2 "In accordance with CCC 40.610 & 40.620, the School, Park and Traffic Impact Fees for each dwelling in this subdivision are respectively: \$1,725.00 (Vancouver School Dist), \$2,016.00 (Park District #9) (\$1,576 – Acquisition; \$440 – Development), and \$1,277.12 (Hazel Dell TIF sub-area). The impact fees for lots on this plat shall be fixed for a period of three years, beginning from the date of preliminary plat approval, dated [REDACTED], and expiring on [REDACTED]. Impact fees for permits applied for following said expiration date shall be recalculated using the then-current regulations and fees schedule." (see Finding 33)

Archaeological:

- C-3** "If any cultural resources are discovered in the course of undertaking the development activity, the Office of Archaeology and Historic Preservation in Olympia and Clark County Community Development shall be notified. Failure to comply with these State requirements may constitute a Class C Felony, subject to imprisonment and/or fines."

Mobile Homes:

- C-4** "Mobile homes and manufactured homes are prohibited on the lots in this plat, in accordance with CCC 40.260.130."

Utilities:

- C-5** "An easement is hereby reserved under and upon the exterior six (6) feet at the front boundary lines of all lots for the installation, construction, renewing, operating and maintaining electric, telephone, TV, cable, water and sanitary sewer services. Also, a sidewalk easement, as necessary to comply with ADA slope requirements, shall be reserved upon the exterior six (6) feet along the front boundary lines of all lots adjacent to public streets."

Critical Aquifer Recharge Areas:

- C-6** "The dumping of chemicals into the groundwater and the use of excessive fertilizers and pesticides shall be avoided. Homeowners are encouraged to contact the State Wellhead Protection program at (206) 586-9041 or the Washington State Department of Ecology at 800-RECYCLE for more information on groundwater /drinking supply protection."

Erosion Control:

- C-7** "Building Permits for lots on this plat shall comply with the approved erosion control plan on file with the Clark County Building Department. Measures shall be in place prior to construction."

Driveways:

- C-8** "All residential driveway approaches entering public roads shall comply with CCC 40.350 (Transportation Standards)."

Private Roads:

- C-9** "Clark County has no responsibility to improve or maintain the private roads contained within or private roads providing access to the property described in this plat. Any private access street shall remain a private street unless it is upgraded to public street standards at the expense of the developer or adjoining lot owners to include hard surface paving and is accepted by the County for public ownership and maintenance."

D. Standard Conditions

This development proposal shall conform to all applicable sections of the Clark County Code. The following conditions shall also apply:

Land Division:

- D-1** Within 5 years of preliminary plan approval, a Fully Complete application for Final Plat review shall be submitted.

Final Construction Plan Review:

- D-2** Prior to construction, the applicant shall submit and obtain county approval of a final stormwater plan designed in conformance to CCC 40.380.
- D-3** Prior to construction, the applicant shall submit and obtain county approval of a final transportation design in conformance to CCC 40.350.

Pre-Construction Conference:

- D-4** Prior to construction or issuance of any grading or building permits, a pre-construction conference shall be held with the County.

Erosion Control:

- D-5** Prior to construction, the applicant shall submit and obtain County approval of a final erosion control plan designed in accordance with CCC 40.380.
- D-6** A copy of the approved erosion control plan shall be submitted to the Chief Building Official prior to final plat recording.
- D-7** Prior to construction, erosion/sediment controls shall be in place. Sediment control facilities shall be installed that will prevent silt from entering infiltration systems. Sediment controls shall be in place during construction and until all disturbed areas are stabilized and any erosion potential no longer exists.
- D-8** Erosion control facilities shall **not** be removed without County approval.

Excavation and Grading:

- D-9** Excavation/grading shall be performed in compliance with Appendix Chapter 33 of the Uniform Building Code (UBC).
- D-10** Site excavation/grading shall be accomplished, and drainage facilities shall be provided, in order to ensure that building foundations and footing elevations can comply with CCC 14.04.252.

Note: Any additional information submitted by the applicant within fourteen (14) calendar days prior to or after issuance of this report, may not be considered due to time constraints. In order for such additional information to be considered, the applicant may be required to request a hearing extension and pay half the original review fee with a maximum fee of \$5,000.

HEARING EXAMINER DECISION AND APPEAL PROCESS

This report to the Hearing Examiner is a recommendation from the Development Services Division of Clark County, Washington.

The Examiner may adopt, modify or reject this recommendation. The Examiner will render a decision within 14 calendar days of closing the public hearing. The County will mail a copy of the decision to the applicant and neighborhood association within 7 days of receipt from the Hearing Examiner. All parties of record will receive a notice of the final decision within 7 days of receipt from the Hearing Examiner.

An **appeal** of any aspect of the Hearing Examiner's decision, except the SEPA determination (i.e., procedural issues), may be appealed to the Board of County Commissioners only by a party of record. A party of record includes the applicant and those individuals who signed the sign-in sheet or presented oral testimony at the public hearing, and/or submitted written testimony prior to or at the Public Hearing on this matter.

The appeal shall be filed with the Board of County Commissioners, Public Service Center, 1300 Franklin Street, Vancouver, Washington, 98668, within fourteen (14) calendar days from the date the notice of final land use decision is mailed to parties of record.

Any appeal of the final land use decisions shall be in writing and contain the following:

1. The case number designated by the County and the name of the applicant;
2. The name and signature of each person or group (petitioners) and a statement showing that each petitioner is entitled to file an appeal as described under Section 40.510.030(H) of the Clark County Code. If multiple parties file a single petition for review, the petition shall designate one party as the contact representative with the Development Services Manager. All contact with the Development Services Manager regarding the petition, including notice, shall be with this contact person;
3. The specific aspect(s) of the decision and/or SEPA issue being appealed, the reasons why each aspect is in error as a matter of fact or law, and the evidence relied, on to prove the error; and,

4. If the petitioner wants to introduce new evidence in support of the appeal, the written appeal also must explain why such evidence should be considered, based on the criteria in subsection 40.510.030(H)(3).
5. A check in the amount of **\$279** (made payable to the Clark County Board of County Commissioners).

Attachments:

- Copy of SEPA Checklist
- Copy of Vicinity Map
- Copy of Proposed Preliminary Plan
- Exhibit List

A copy of the approved preliminary plan, SEPA Checklist and Clark County Code are available for review at:

**Public Service Center
Department of Community Development
1300 Franklin Street
P.O. Box 9810
Vancouver, WA. 98666-9810
Phone: (360) 397-2375; Fax: (360) 397-2011**

A copy of the Clark County Code is also available on our Web Page at:
Web Page at: <http://www.clark.wa.gov>